

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DAEVON LYONS,

Plaintiff,

DECISION AND ORDER

04-CV-6157L

v.

MICHAEL MCGINNIS, et al.,

Defendants.

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This Court referred all pretrial motions in this civil case to United States Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636. Plaintiff, appearing *pro se*, filed his complaint on April 6, 2004. He now moves to amend his original complaint to add defendants, set forth additional factual allegations and increase the *ad damnum* clause.


Magistrate Judge Payson issued a thorough Report and Recommendation (“Report”) recommending that plaintiff’s motion for leave to amend be granted in part and denied in part. Plaintiff filed objections to that Report (Dkt. #118).

I have reviewed Magistrate Judge Payson’s thorough Report and Recommendation and her discussion of the merits of plaintiff’s request to amend. I have also reviewed plaintiff’s objections. I accept and adopt the Report of Magistrate Judge Payson. I agree with Magistrate Judge Payson that plaintiff’s motion to add additional defendants should be denied for the reasons set forth by Magistrate Judge Payson in her Report. I also agree with that part of Magistrate Judge Payson’s Report granting plaintiff’s relief in part.

In sum, plaintiff's motion for leave to amend (Dkt. #67) is granted in part and denied in part as set forth with specificity in the "Conclusion" paragraphs of Magistrate Judge Payson's Report (Dkt. #112).

For the reasons stated in Magistrate Judge Payson's Report at footnote 1, plaintiff's subsequent motion to amend (Dkt. #93) is denied.

IT IS SO ORDERED.

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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
May 19, 2006.